

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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BIOFUELS )  
OPERATING COMPANY, LLC, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PARSONS & WHITTEMORE )  
ENTERPRISE CORPORATION, )  
 )  
Defendant. )

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No. 07-CIV-8712

**NOTICE OF VOLUNTARY DISMISSAL**

Plaintiff BioFuels Operating Company, LLC hereby voluntarily dismisses this action without prejudice. This notice is filed pursuant to Fed. R. Civ. P. 41(a)(1)(i), as Parsons & Whittemore Enterprise Corporation, the adverse party in this matter, has not served an answer or motion for summary judgment.

Respectfully submitted,

BIOFUELS OPERATING COMPANY, LLC,

By its attorneys,

*Of counsel:*

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Dated: February 8, 2008

s/ David M. Burkoff  
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